

WILSHIRE MEDICAL BUILDING IN LOS ANGELES

Erected on Property Owned by the Los Angeles
County Medical Association

Under the captions, "Plans Completed for Lofty New Structure" and "Thirteen-Story Project and Large Parking-Space Building Slated for Construction," the Los Angeles *Times* of December 8 printed the following article. The relation of this office building to the Los Angeles County Medical Association is commented upon in this issue (page 4). The newspaper item follows:

Powerfully evidencing Los Angeles' recent greatly increasing construction activity and the general improvement in the Southland real estate situation, a new height-limit structure is to be built here—in the form of an addition to the \$1,000,000, thirteen-story, height-limit Wilshire Medical Building, situated at the southeast corner of Wilshire Boulevard and Westlake Avenue. The addition, to rise at the south end of the present building's Westlake Avenue frontage, will make the parent structure about one-third larger than it now is. And its size and importance will make the addition the equivalent of many an individual structure of major magnitude.

Together with a large two-story parking structure to be constructed in conjunction with this addition, this construction program will represent a new investment of around \$500,000 by the Los Angeles County Medical Holding Corporation, builder and owner of the present building. The addition itself is estimated to cost in the neighborhood of \$350,000. The parent building was built in 1928.

The plans call for a Westlake Avenue frontage of about fifty-eight feet, four inches, which will give the entire structure a frontage of slightly more than 125 feet on the avenue. The building's Wilshire Boulevard frontage is 150 feet. The new wing's equipment will include preparation for future air-conditioning installation.

Ground for the addition will be broken early next spring. A significant fact pointed out by the manager of the building, is that the complete occupancy of the present structure and the demand for space there prompted the new project. A considerable amount of space in the planned addition already has been engaged.

The new construction materially will further the magnitude and importance of that immediate locality as one of the West's most extensive medical centers. On the northwest corner of Wilshire Boulevard and Westlake Avenue stands the eight-story Westlake Professional Building. At the southeast corner of the same boulevard and avenue, and directly opposite the Wilshire Medical Building, is the library and auditorium building of the Los Angeles County Medical Association.

The Belt Medical Building recently was completed at the northeast corner of the boulevard and Bonnie Brae Street.

Contract has been awarded for construction of a medical office building on a site on the east side of Westlake Avenue, between Wilshire Boulevard and Seventh Street, for Dr. George Pliness. The project represents an investment of more than \$20,000.

Plans for other large construction of medical-center character is contemplated for the area in which these buildings' sites are situated.

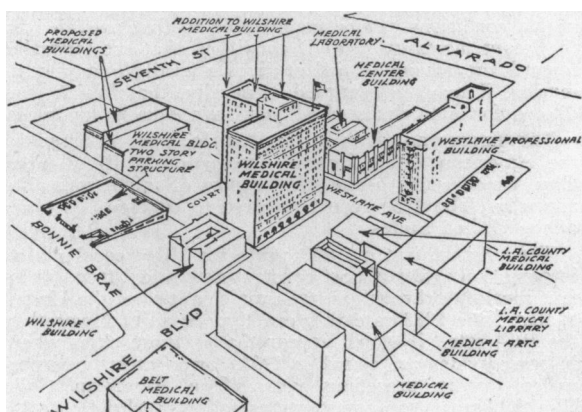


Fig. 1.—Showing location of Headquarters Building of the Los Angeles County Medical Association at 1925 Wilshire Boulevard and its relation to other buildings in this new medical center.

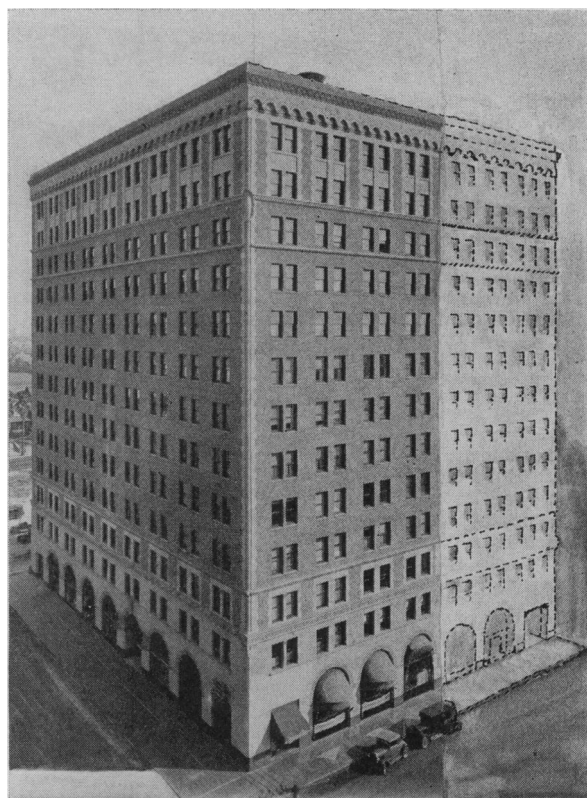


Fig. 2.—Wilshire Medical Building, 1930 Wilshire Boulevard, Los Angeles. (Proposed addition, fronting on Westlake Avenue, is in lighter detail.)

The parking building, to be constructed by the owning corporation of the Wilshire Medical Building, not only will afford ample free parking space for patrons of that building, but also will be a unique and attractive architectural development in that locality. Work on it will be started within two weeks. It will occupy a site on the west side of Bonnie Brae and about 100 feet south of Wilshire Boulevard. Its street frontage will be 100 feet and its westerly depth 150 feet.

Because of the ground slope there, its roof on the Bonnie Brae side will be level with the street and, while the roof will afford parking facilities, it will be so ornamented as to present a landscaped appearance. The west two-story side of this structure will front on the lane there and the area between it, and access to the medical building will be entirely paved. An ornamental doorway will open from the medical building to this area.

MICHIGAN STATE MEDICAL SOCIETY'S REPORT ON "A. M. A. SPANKINGS"

The *Journal of the Michigan State Medical Society* (on page 709 of the November, 1935, issue) printed the "Report of the Delegates to the American Medical Association" (June, 1935, Atlantic City session).

The August issue of CALIFORNIA AND WESTERN MEDICINE (page 105) gave expression to California's reaction on certain events which took place in Atlantic City. Wherefore, the point of view of the delegates from Michigan may be of sufficient interest to be incorporated into the record (referring in that connection, particularly, to those official representatives of the American Medical Association who, directly or indirectly, inspired or permitted the "spanking" news items to be distributed by the national press associations).

Excerpts from the Michigan report follow:

REPORT OF DELEGATES TO THE AMERICAN MEDICAL ASSOCIATION

Because of no previous opportunity to report on the special session, your delegates present herewith a combined report of the special meeting of the House of Delegates of the American Medical Association and the regular meeting held at Atlantic City in June. . . .

The Atlantic City Session

The 1935 Atlantic City session of the American Medical Association House of Delegates held June 11 to 15 was somewhat apathetic as compared with previous sessions in recent years. This was perhaps due to the fact that the action taken at Chicago had deprived the membership of much argument and debate on a subject of vital interest to all.

A curtain of gloom somewhat overshadowed the otherwise peppy atmosphere of the opening session of the House by the announcement that Speaker Warnshuis had unexpectedly suffered the loss of his oldest son. This necessitated his absence until the second session on Tuesday morning.

Despite the apathetic atmosphere there were, however, some interesting things presented of interest to the entire profession. . . .

An interesting sidelight to an otherwise apathetic house was the query by the "stand pat" Republicans of Massachusetts through their good-natured bewhiskered delegate, Dr. C. E. Mongan, who requested that the representatives of the California State Medical Association explain its action relative to health insurance. Doctor Kelly, chairman of the Council of the California State Medical Association, gave a very able and clear explanation. It appeared from his talk that the action of the California State Medical Association was a political expedient, necessitated by the situation that exists in California. His explanation was apparently well received by the House, but subsequent transactions made it appear that California was spanked for its actions. Doctor Kelly's explanation was not published in the transactions of the executive session, but copy and a complete explanation of California's actions have been prepared by the California State Medical Association in the form of a reprint and can be had upon request by addressing Secretary Warnshuis at San Francisco.

Dr. G. R. Leland, Director of Bureau of Medical Economics, presented a special report which was referred to the Reference Committee on Medical Economics without reading. Copies of this report were distributed to the membership and contain recommendations to state and county societies on sickness insurance. It was recommended as a final action of the House that counties, attempting to develop plans, do so with the utmost care and study and that plans be submitted to their respective state organizations for approval before instigation.

The election of officers presented on the surface no excitement, yet one of the most significant changes in more than a decade occurred when Michigan's former secretary, Dr. F. C. Warnshuis, was defeated for the office of speaker by Dr. Nathan B. Van Etten of New York by a vote of 80 to 71. Doctor Van Etten, like his predecessor, is a cultured gentleman of Dutch descent, was vice-speaker for three years and upon various occasions has evidenced able qualifications for this important post.

From the figures you will note that the victory was not so overwhelming, Doctor Van Etten being the victor by but nine votes. It was generally conceded that Doctor Warnshuis' defeat was not due to inability or impartiality, but rather to political expediency. It has been suggested that because of California's action on sickness insurance he might have been reflected had he remained in Michigan. Yet this argument is quite out of harmony with other events during the election of officers. You are aware that Michigan had a candidate for member of the Board of Trustees in the person of Carl F. Moll, than whom no finer man could be found in any state to grace the dignified table of the Board of Trustees. His fairness, ability, and adherence to the sound principles of organized medicine stamp him as timber without a flaw. Although Doctor Moll was not elected to the Board, Doctor Moll in person was not defeated. Apparently he was, as has been suggested in our Journal editorially, simply the goat for an undeserved but effective chastisement to Michigan for its action in presenting certain resolutions at the Cleveland meeting in 1934. Although we were disappointed in defeat we hold no ill will toward the House membership, being convinced that misunderstanding and incorrect opinions will some day be replaced by confidence and consequent vindication. . . .

"AND/OR"†

Most intelligent laymen regard the jargon of lawyers as an obvious trade trick, a professional pig-Latin calculated to obscure otherwise simple matters and impress clients

with the indispensability of their services. Fortunately, most of their pompous verbal mumbo-jumbo is harmless tautology. But at least one legal usage—"and/or"—is dangerous nonsense.

Many a suit at law has hinged on the interpretation of an "and/or." Usually the decision has gone against the drafter who slipped that literary what-not into his contract. An early instance is a case decided in a British court on February 8, 1855. A shipper named Cumming had accepted from a shipowner named Cuthbert a contract to provide one complete cargo of "sugar, molasses and/or other lawful products." After Shipper Cumming had loaded on every puncheon of sugar and molasses the ship would hold, some odd space remained. He left it empty. Owner Cuthbert claimed he should have filled it with "other lawful products," brought suit for £139, 8s., 3 d. damages. The trial judge ruled that the ambiguous "and/or" in Owner Cuthbert's contract had rightfully entitled Shipper Cumming to do as he pleased about odd space.

Last winter Virginia's Carter Glass, as chairman of the Senate Appropriations Committee, found the Relief bill shot through with such befuddling phrases as "The President is authorized . . . to make grants and/or loans and/or contracts." Flying into a fine rage, the peppery little Virginian marched out on the Senate floor, successfully defended his action in striking out "the idiotic expression 'and/or'" wherever it appeared in the bill. To his support Senator Glass summoned an impressive battery of opinion against "and/or."

"It is a bastard," said Lawyer John W. Davis, "sired by Indolence (he by Ignorance) out of Dubiety. Against such let all honest men protest."

"I am delighted," wrote one-time Attorney-General G. W. Wickersham, "that you have taken up the removal of this inaccurate monstrosity of expression from laws passed by the Congress of the United States."

"The expression 'and/or' is a split personality, a grammatical psychopath," declared a Baltimore *Sun* editorial entitled "Grand 'And/Or' Old Carter." "If Senator Carter Glass can succeed in removing it at least from our federal legislation, he will deserve the thanks of a confused and/or harassed populace."

Last week lovers of verbal clarity placed the eldest of the Wisconsin Supreme Court's seven justices on a pedestal beside Senator Glass. Up for decision had been a complex case involving an insurance company which insured "C. D. Brower, Jr., and/or the Sturgeon Bay Company," against liability for accidents except "to any employee of the assured. . . ." Brower was a trucker who had contracted to do a job for Sturgeon. When a Sturgeon employee was injured in a collision with a Brower employee the insurance company tried to wiggle out of paying Brower's damages by arguing that the policy ran jointly and its "and/or" had really meant simple "and."

The decision was written by Justice Chester Almeron Fowler, a handsome, upstanding, straight-thinking gentleman who golfs, fishes, camps, walks two and one-half miles to his office every day and will probably celebrate his seventy-third birthday this week by a brisk game of curling. Famed for his verbal vigor, old Justice Fowler growled in his insurance case decision:

"It is manifest that we are confronted with the task of first construing 'and/or,' that befuddling, nameless thing, that Janus-faced verbal monstrosity, neither word nor phrase, the child of a brain of someone too lazy or too dull to express his precise meaning, or too dull to know what he did mean, nor commonly used by lawyers in drafting legal documents, through carelessness or ignorance or as a cunning device to conceal rather than express meaning with view to furthering the interest of their clients. We have ever observed the 'thing' in statutes, in the opinions of courts, and in statements in briefs of counsel, some learned and some not."

Ruling flatly against the insurance company, Justice Fowler declared: "If the construction given [by the Court] differs from the meaning actually entertained and intended to be conveyed by the company when it issued its policy, the company has only itself . . . to blame, and it is justly penalized for attempting to express—or perhaps to conceal—the meaning intended by the use of a mere mark on paper."

* Reprinted from *Time*, December 23, 1935.

† The California District Court of Appeal opinion denying corporations the right to practice medicine, and printed in this issue, quotes an "and/or" policy. See page 36.